

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JAMES E. HUFF,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF THE
ARMY,

Defendant.

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CIVIL NO. L-05-805

MEMORANDUM

Pro se Plaintiff James E. Huff initiated this action in April 2005 against the United States Department of the Army (the "Army"), requesting back pay, disability and hospital benefits, and correction of his military records. In September 2007, this Court granted the Army's motion to dismiss pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure for lack of subject matter jurisdiction. The case was terminated on September 13, 2007.

Now pending is Mr. Huff's Motion to Resume Complaint and for Court Appointed Attorney General Assistant. Paper No. 23. The Court will construe Mr. Huff's request as a motion to re-open the case.

Mr. Huff's complaint was dismissed by this Court for lack of subject matter jurisdiction nearly two years before he filed the motion to re-open. During that time, Mr. Huff did not request this Court to reconsider its decision nor did he appeal the dismissal. Accordingly, his motion is untimely. Moreover, in his motion to re-open, Mr. Huff provides no new facts or circumstances that would give this Court jurisdiction over his allegations if it were to reconsider them.

For these reasons, Mr. Huff's motion to re-open will, by separate order of even date, be DENIED. Additionally, Mr. Huff's request for court-appointed counsel is also DENIED because

the case is closed and will not be re-opened.

Dated this 12th day of March, 2010.

/s/
Benson Everett Legg
United States District Judge